

Beaver County
Planning & Zoning Commission
September 20, 2006
7:30 p.m.
Beaver County Commission Chambers

Minutes

Attendance: Robin Bradshaw, Chairman; Scott Bealer, Rowland Yardley, Jack McMullin, Dennis Miller, Craig Davis as Administrator, and Von Christiansen as Attorney.

Visitors: See Attached List

Called to order at 7:30 p.m.

MINUTES

The minutes from the July 19, 2006 meeting were read. Jack made a motion to approve the minutes, Rowland seconded the motion. Motion passed unanimously. The minutes from the August 2, 2006 meeting were read and discussed. Dennis made a motion to approve the minutes with the corrections mentioned, Jack seconded the motion. The motion passed unanimously.

CONDITIONAL USE PERMIT

Jim Webb and Dwight Potter were there for Circle Four, they would like to build 20 barns capable of holding 2,100 finishing hogs for a total of 42,000 finishing spaces (sites 42307 & 42308). They will be using the enhanced lagoon system, it is 20 miles from Milford and Minersville, 13 miles from the nearest house, they received their state permit on Thursday, it is an \$8.2 million project, there are no plans to truck waste to Bio Fuel plant, the plant is not up and running-they are burning it off, the odor has increased in the last little while-they are trying to keeping the water levels up, one lagoon taken out of service-it will dry out and be hauled off-a new one has been added and P&Z should have been notified, they talked about roads and impact to the community, making sure they are in compliance with their previous C.U.P.'s(Jim & Jack will check on covers at sites 41305 & 41301), Heather Sholtz asked about seepage-Jim explained about the clay lined lagoons(7 left, the rest are plastic lined), and Julia more stated that she thinks we shouldn't approve any more until others are fixed. Jack made a motion to recommend to the County Commission that they approve the C.U.P. with the conditions that they get with the County Commission and get a new road agreement, they build no more lagoons unless we are notified, they allow home owners within 2 miles have their well water tested by Ron Wunderlich, they will maintain water levels in lagoons, if lagoons are abandoned they will have to reapply to use again and the same conditions that have been in previous C.U.P.'s will apply. Rowland seconded the motion. Motion passed unanimously.

CONDITIONAL USE PERMIT

Freedom Energy would like to operate a small biodiesel plant in the old Milford Livestock Exchange building. LeRoy Stubbs could not be at the meeting, they discussed the building having to be engineered, the fire marshall will have to look at it, Milford needs to be notified as it is close to the city, the buffer zone, contacting the people in the area and the impacts. They had a lot of questions and need Mr. Stubbs to be there in person to answer them. Jack made a motion to table this, Rowland seconded the motion. Motion passed unanimously.

REZONEMENT

Burt Myers and Hugh Blackburn would like to rezone 30 acres of their land near Lake LaBaron from MU-20 to FR-1. They have water, the main road goes right thru it, the lots planned will be 2.5 to 5 acres in size. Rowland made a motion to recommend the County Commission approve the zone change. Jack seconded the motion. Motion passed unanimously.

REZONEMENT

Desiree Shotwell and David Penney were there, they would like to rezone property in Sec. 24, T29S, R7W from A-20 to RE-1, so Desiree can have 1 acre to build a house on. She had Doug Thomas change his property too, so she will be connected to the RE-1 zone already there. Jack made a motion to recommend the County Commission approve the zone change. Rowland seconded the motion. Motion passed unanimously.

CONCEPT MASTER PLAN FOR ELK MEADOWS

Craig Burton was there representing CPB Development, Litchfield Capital sent a letter saying they could represent the property. The land is the land at Elk Meadow Ski Resort and Puffer Lake. He presented a DVD that showed what they wanted to do, it will be a private club called Mt. Holly Club, it contains about 2000 acres, it will feature a Jack Nicklaus? signature golf course, it will have high end condo's and lots, there will be skiing, golfing, hiking, biking, horseback riding, fishing, etc. It will be \$3.5 billion project, it will all be fenced and employ about 300-350 people(mostly during the building process) They are working to get a Master Lease with the State of Utah for the parts that they own in the middle of the project.

BREAK for 10 minutes

They discussed water- how much per lot, 1261 homes, watering the golf course, those that own condo's & homes will be bought out at fair market value, if they do not want to sell-they still have right to get to their homes but they can't use the other facilities, the sewage plant-already conceptually approved by the State, it being less dense than the last concept plan that was approved, and feasibility on the water needing to be done. It was opened up for public comment. Fred Nye does not think it is fair after buying up there to enjoy skiing & snowmobiling that he will be denied access. Mark ? asked about easements to the private property and thinks they are trying to kick other property owners out. Lance Wood from the Mt. Holly Homeowners Association says they want to enjoy the skiing, etc. that is why they bought condo's up there, don't sell out for the almighty dollar, help the little guy, he thinks a buy out at current market value would not be fair. Dee Draney said they worked hard to get the Special Service District and things paid for, this is not a good plan. Jim Bradshaw worried about the water-he thinks an independent engineering firm should come check to see what water is really there-he thinks the people who bought into the resort are now being squeezed out. Alan Bradshaw said they should not approve a concept plan over private land-lease says free & unrestricted access, the ski resort is for the public. Filip Iskerlund asked about the concept plan formerly approved and how the Yellowstone River is polluted because of the Yellowstone Club in Montana(it is a private resort). Lori Puchlic was worried about access and wants us to look into what happened at the Yellowstone Club, they have been fined by the DEQ, she wants the quiet enjoyment of her property and wants to make sure they won't use eminent domain to get property. John Burns bought up there so his family could ski, he loves the hill, it will be a lot different if it is a club. Jolie Kramer asked how they would determine fair market value, Craig Burton didn't know, she believes that with all the planning they have done they should have some idea. David White asked if they had actually purchased the property yet -No. Clay Thorton believes if this is approved the owners that are already there will be kicked out. Josh Richards said to watch out they will come back with something that will seem better. They looked at the map and showed the lower lodge area where the Condo's are. Von said the 1st issue is their standing, they do not own the property and what about the part that belongs to the State of Utah, and the 2nd issue is the water rights. The board discussed the mountain being accessible to the public for them to enjoy, water, sewer, the private property, the original lease and the transfer to private ownership. Craig Burton read a letter from Keith Christensen of Puffer Lake Resort in favor of it being private. Dennis made a motion to table this until some of the issues of water, sewer, the lease and private lands can we looked into or maybe have CPB come up with a new plan that does not include the lands now owed by others. Scott seconded the motion, motion passed unanimously.

ORDINANCE CHANGES

The ordinance for the Bed & Breakfast can be discussed at another time

The ordinance to allow Petroleum refineries in an MU zone by C.U.P. was discussed. Rowland made a motion to recommend the County Commission to approve the change. Jack seconded the motion, motion passed unanimously.

The ordinance to allow Temporary Workers Housing in an Agriculture & Multiple Use Zone by C.U.P. was discussed. Dennis made a motion to recommend the County Commission approve the change. Scott seconded the motion, motion passed unanimously.

The ordinance that would require wind turbines to be at least 2640 feet from a residence unless they have a letter in writing from the owners of the residence was discussed. Rowland made a motion to recommend the County Commission approve the change. Dennis seconded the motion, motion passed unanimously.

Jack made a motion to adjourn. Scott seconded the motion. The motion passed unanimously.

Adjourned at 10:45

Minutes read on _____ and approved.

Robin K. Bradshaw, Chairman